

January 30, 2013

Jonathan O. Levine  
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**VIA FEDERAL EXPRESS**

Office of the Executive Secretary  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, DC 20570-0001

**Re: Michels Corporation**  
**Case No. 30-CA-081206**

Dear Executive Secretary:

This letter is a follow-up to our January 17, 2013 letter responding to Regional Director Gottschalk's January 11, 2013 request that the Board publish its December 19, 2012 unpublished Order ("Order"). The Company opposed that request.

Last week, the D.C. Circuit held that an order issued against Noel Canning was void *ab initio* because the Board lacked a quorum at the time the order was issued. The Court held that President Obama's appointments of Members Flynn, Griffin, and Block were constitutionally invalid from their inception. *Noel Canning v. NLRB*, No. 12-1115 (D.C. Cir. 2013).

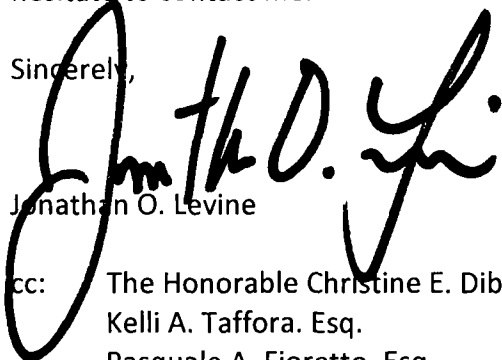
We appreciate the difficult position this creates for the Board. However, the Special Appeal and Order at issue in this case was decided by Chairman Pearce and Members Griffin and Block. Under *Noel Canning*, that Order is void *ab initio* and the non-Board settlement agreement ("Agreement") vacated by the Order remains in effect, is enforceable, and is a bar to further proceedings in this matter unless and until a properly constituted Board decides the Acting General Counsel's Special Appeal or Counsel for the Acting General Counsel follows the procedures for Special Appeals when the Board lacks a quorum, 29. C.F.R Section 102.180. For this reason, we request that the Notice of Hearing be withdrawn.

By copy of this letter, Michels is returning to the alleged discriminatee, Mr. Richard J. Dehne, an uncashed check in the amount of \$4,618.23. This is the check Mr. Dehne sent to Michels pursuant to the Order and reflects the consideration he received from Michels under the Agreement. A copy of the original check is also enclosed.

General Counsel  
January 30, 2013  
Page 2

The Company intends to honor the Agreement and appreciates both the Union and Mr. Dehne doing the same. Thank you all for your cooperation. Should have any questions, please do not hesitate to contact me.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Jonathan O. Levine".

Jonathan O. Levine

cc: The Honorable Christine E. Dibble  
Kelli A. Taffora, Esq.  
Pasquale A. Fioretto, Esq.  
Richard J. Dehne  
Renee Medved, Counsel for Acting General Counsel  
Irving Gottschalk, Director – Region 30



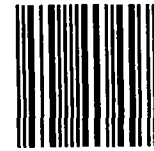
R Dehne  
7414 S. Union Rd  
Manitowoc WI  
54220



7010 1670 0001 6402 2364



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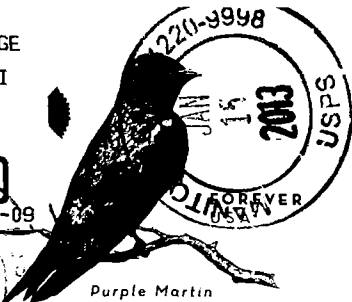
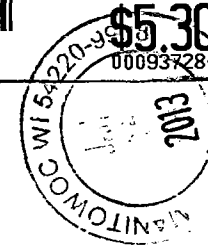


53006

U.S. POSTAGE  
PAID  
MANITOWOC, WI  
54220  
JAN 15, 2013  
AMOUNT

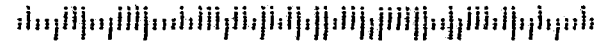
\$5.30

00093728-09



Michels corporation (Tim)  
817 west main ST  
Brownsville WI  
53006

53006\$1439



M 443557

  
**BankFirst**  
NATIONAL

01

**OFFICIAL CHECK**

482909

DATE 01/15/13

79-113/759  
10010022

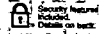
PAY TO THE  
ORDER OF MICHELS CORPORATION

4,618.23

\*\*\*FOUR THOUSAND SIX HUNDRED EIGHTEEN and 23/100\*\*\*US Dollars

THIS DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE, WATERMARK AND A THERMOCHROMIC ICON. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

REMITTER RE: CASE # 30-CA-081206  
RICHARD J DEHNE



482909 002590 134 00000022

RECEIVED

2013 JAN 31 PM 2:17

HLND  
ORDER SECTION

From: (414) 291-5538  
 Daisy Weber/Jon Levine  
 Littler Mendelson, P.C.  
 111 East Kilbourn Avenue  
 Suite 1000  
 Milwaukee, WI 53202

Origin ID: MKEA



Ship Date: 30JAN13  
 ActWgt: 1.0 LB  
 CAD: 101316709/INET3370

Delivery Address Bar Code



Ref # 067561-1000  
 Invoice #  
 PO #  
 Dept #

SHIP TO: (414) 291-5538

BILL SENDER

Office of the Executive Secretary  
 National Labor Relations Board  
 1099 14th Street, N.W.

WASHINGTON, DC 20570

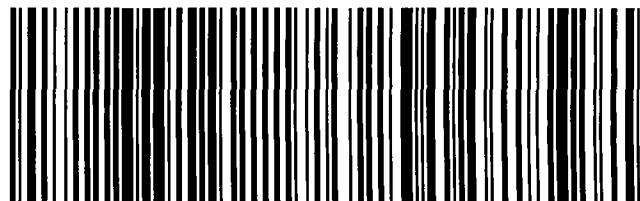
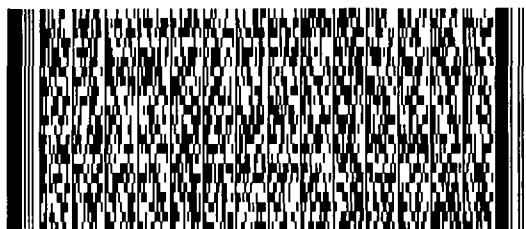
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 PRIORITY OVERNIGHT

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